

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ZIH Corp.,

Plaintiff,

v.

Paxar Corporation,

Defendant.

C.A. No.: 1:03-cv-12358-DPW

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1), plaintiff ZIH Corp. (“ZIH”) and defendant Paxar Corporation (“Paxar”) hereby stipulate to the dismissal with prejudice of ZIH’s complaint in this matter. ZIH agrees that it and/or its affiliates will not again assert U.S. Patent Nos. 5,813,343 and 5,860,753 against Paxar, Paxar Americas, Inc. and/or any affiliate thereof with respect to any products made, used, offered for sale or sold in the United States prior to July 7, 2005, whether or not any such activity continues thereafter.

Pursuant to Fed. R. Civ. P. 41(a)(1), counterclaim-plaintiff Paxar and counterclaim-defendant ZIH hereby stipulate to the dismissal without prejudice of Paxar’s counterclaims in this matter.

In addition, Paxar Americas, Inc. filed Civil Action No. 3-03-417 in the Southern District of Ohio seeking a declaratory judgment against ZIH and Zebra Technologies Corporation (“the Ohio declaratory judgment action”). The Southern District of Ohio has transferred the Ohio declaratory judgment action to the United States District Court for the District of Massachusetts, which has been docketed as C.A. No. 1:05-cv-11233-DPW. Pursuant to Fed. R. Civ. P. 41(a)(1), Paxar Americas, Inc., ZIH, and Zebra Technologies Corporation hereby stipulate to the dismissal without prejudice of the Ohio declaratory judgment action and shall promptly file a stipulation of dismissal in that action.

The above-identified parties agree that each party will bear its own costs, expenses and attorneys fees incurred in this case and in the transferred Ohio declaratory judgment action.

IT IS SO ORDERED

This the ____ day of _____ 2005.

United States District Court Judge

Dated: July 7, 2005

Respectfully submitted,

s/ Jean Dudek Kuelper
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